

Charles D. Chalmers, Esq. (State Bar No. 50263)  
769 Center Blvd., #149  
Fairfax, California 94930  
Tel: (415) 860-8134  
Fax: (801) 382-2469  
cchalmers@allegiancelit.com  
Attorney for Plaintiff Theodore Ellison

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THEODORE ELLISON,  
Plaintiff,

vs.

LAMPS PLUS, INC. and QUOIZEL, INC.  
Defendants.

Civil Action No.  
**CV 09**

**25 13**

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff, Theodore Ellison complains of defendants Lamps Plus, Inc. ("Lamps Plus") and Quoizel, Inc. Ltd. ("Quoizel") and alleges:

**JURISDICTION**

1. This is an action for copyright infringement arising under the Copyright Law of the United States, Title 17 of the United States Code. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1338(a). Registration has not been made for certain of the copyrights asserted in this action. This Court has subject matter jurisdiction over the claims for infringement of those copyrights under 28 U.S.C. § 1367(a) as the infringement of those copyrights is part of the same case and controversy as the infringement of the registered

1 copyright asserted in this action.

2           2. Plaintiff is an individual residing and doing business in the Northern District.  
3 Plaintiff uses the copyrights alleged in this action in his business.

4           3. Defendant Lamps Plus and Quoizel are corporations.

5           4. Defendants are subject to personal jurisdiction in this judicial district. Defendants  
6 are aware that they have infringed plaintiff's copyrights because the acts were intentional.  
7 Defendants knew that the harm from these infringements would be suffered by plaintiff primarily  
8 in this judicial district because this is where plaintiff resides and where he conducts his business  
9 using these copyrights. Defendants have purposely availed themselves of the privilege of  
10 conducting activities in the State of California, and in this judicial district, and those activities  
11 are directly related to the claims made by plaintiff in this action. Defendants have infringed the  
12 copyrights by making, selling and offering for sale lamps and lighting fixtures which incorporate  
13 the copyrighted designs. Defendant Lamps Plus operates retail stores in this judicial district  
14 which have sold infringing products. Defendant Quoizel has sold infringing products to Lamps  
15 Plus, and other retailers, knowing that they would offer those products for sale in this judicial  
16 district. Quoizel operates a website on which it refers prospective purchasers of products made  
17 and sold by it to retailers located within this judicial district.

#### 18 VENUE

19           5. Defendants reside with this judicial district, and may be found in this judicial  
20 district, as hereinbefore alleged in Para. 4. Accordingly, venue is proper under 28 U.S.C. §§  
21 1391(c) and 1400(b).

#### 22 INTRADISTRICT ASSIGNMENT

23           6. This action for copyright infringement is an excepted category under Local Rule  
24 3.2(c).

#### 25 FACTUAL ALLEGATIONS

26           7. Plaintiff is the owner of the copyright in a work entitled "Ginkgo." The U.S.  
27 Copyright Office has issued a certificate of registration for Ginkgo to plaintiff; the registration  
28

1 number is VA 1-664-820.

2 8. Defendants have infringed the copyright in Ginkgo by making, importing, selling,  
3 and offering for sale lamps and lighting devices, some which have been offered under the name  
4 "Westwind." Defendant Quoizel has contributorily infringed this copyright by offering  
5 infringing lamps and lighting devices for sale to retailers and distributors throughout the United  
6 States.

7 9. Plaintiff is owner of the copyright in works entitled "Conifer," "Aberdeen,"  
8 "Ginkgo-Nouveau," "Anthony House," "Sonora" and "Pine Bough." (hereafter the "additional  
9 works")

10 10. Defendants Lamps Plus and Quoizel have infringed and contributorily infringed  
11 the copyright in the additional works by making, importing, selling and offering for sale  
12 infringing lamps and lighting devices. Lamps Plus has infringed as herein alleged with the  
13 products entitled "Robert Louis Tiffany Flowing Branch," "Robert Louis Tiffany Olive Leaf"  
14 and "Dale Tiffany Pinecone." Quoizel has infringed and contributorily infringed as alleged  
15 herein with the products entitled "Pinecone," "Macintosh Rose" and "Parkside."

#### 16 COUNT ONE – COPYRIGHT INFRINGEMENT

17 11. Defendants are infringing, contributorily infringing and inducing infringement of  
18 the copyrights by copying, displaying, making, importing, selling, offering to sell, and using the  
19 copyrighted works.

20 12. Defendants' infringements have caused and are causing plaintiff injury and  
21 plaintiff is entitled to an award of damages as compensation for this injury.

22 13. Defendants' infringement is causing irreparable injury to plaintiff.

#### 23 PRAYER FOR RELIEF

24 WHEREFORE, plaintiff prays for judgment against defendants granting the following  
25 relief:

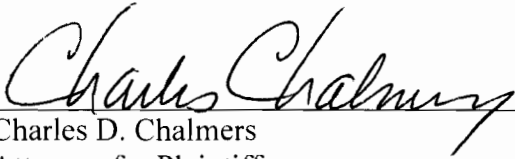
26 a. A temporary restraining order, preliminary injunction and permanent injunction  
27 enjoining all acts of infringement of the copyrights;  
28

b. An award of such damages, including prejudgment interest, as shall be shown at trial to be adequate to compensate plaintiff for the injury sustained as the result of defendants' infringements;

c. An award of costs of suit herein, and:

d. Such other and further relief as the Court shall deem appropriate and just.

Dated: June 5, 2009

  
Charles D. Chalmers  
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a jury trial pursuant to FRCivP 38(b).

Dated: June 5, 2004

  
Charles D. Chalmers  
Attorney for Plaintiff